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COUNSEL FOR APPLICANT SAM RAINSY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15 *In re* Ex Parte Application of
16 SAM RAINSY, an individual residing in France,
17 Applicant,
18 For an Order Pursuant to 28 U.S.C. § 1782
19 Granting Leave to Obtain Discovery from
20 FACEBOOK, INC.,
21 Respondent,
22 For use in connection with Foreign Proceedings.

Case No. 3:18-mc-80024-SK

**REPLY DECLARATION OF J. NOAH
HAGEY IN FURTHER SUPPORT OF *EX
PARTE* APPLICATION FOR
DISCOVERY OF FACEBOOK, INC.
PURSUANT TO 28 U.S.C. § 1782**

1 I, Noah Hagey, declare as follows:

2 1. I am licensed to practice before this Court and am counsel of record for Sam Rainsy
3 (“Applicant”). I make this declaration based on personal knowledge. If called as a witness, I could
4 and would testify competently to the facts stated herein.

5 2. Facebook Inc.’s (“Facebook”) Terms of Service informs users that their data will be
6 stored in the United States. Users agree to the Terms of Service by using Facebook. Attached
7 hereto as **Exhibit 1** is a true and correct copy of Facebook’s Terms of Service.

8 3. Hun Sen and his agents in the foreign proceedings have actual notice of the Petition,
9 and have repeatedly commented on it publicly. Attached hereto as **Exhibit 2** is a true and correct
10 copy of an article from Reuters in which Hun Sen is quoted as calling Mr. Sam “crazy and stupid.”
11 The article is accessible at [https://www.reuters.com/article/us-cambodia-facebook/cambodian-](https://www.reuters.com/article/us-cambodia-facebook/cambodian-leader-calls-rival-crazy-and-stupid-over-facebook-case-idUSKBN1FX0JQ)
12 [leader-calls-rival-crazy-and-stupid-over-facebook-case-idUSKBN1FX0JQ](https://www.reuters.com/article/us-cambodia-facebook/cambodian-leader-calls-rival-crazy-and-stupid-over-facebook-case-idUSKBN1FX0JQ).

13 4. Attached hereto as **Exhibit 3** is a true and correct copy of an article from The New
14 York Times in which Hun Sen’s agent Huy Vannak states the Petition is “stupid and funny.” The
15 article is accessible at [https://www.nytimes.com/2018/02/09/world/asia/cambodia-facebook-hun-](https://www.nytimes.com/2018/02/09/world/asia/cambodia-facebook-hun-sen.html)
16 [sen.html](https://www.nytimes.com/2018/02/09/world/asia/cambodia-facebook-hun-sen.html).

17 5. The United States government has expressed concern about the Cambodian
18 government’s dissolution of the country’s main opposition party, the Cambodia National Rescue
19 Party (CNRP), based on meritless and politicized allegations that it participated in a conspiracy to
20 overthrow the government. Attached hereto as **Exhibit 4** is a true and correct copy of a Statement
21 released by the Press Secretary on November 16, 2017. The Statement is available at
22 [https://www.whitehouse.gov/briefings-statements/statement-press-secretary-setbacks-democracy-](https://www.whitehouse.gov/briefings-statements/statement-press-secretary-setbacks-democracy-cambodia/)
23 [cambodia/](https://www.whitehouse.gov/briefings-statements/statement-press-secretary-setbacks-democracy-cambodia/).

24 6. The White House has stated that setbacks to democracy in Cambodia cause deep
25 concern over Senate elections on February 25 that failed to represent the genuine will of the
26 Cambodian people. Attached hereto as **Exhibit 5** is a true and correct copy of a Statement released
27 by the Press Secretary on February 27, 2018. The Statement is available at
28

1 [https://www.whitehouse.gov/briefings-statements/statement-press-secretary-reduction-assistance-](https://www.whitehouse.gov/briefings-statements/statement-press-secretary-reduction-assistance-government-cambodia/)
2 [government-cambodia/](https://www.whitehouse.gov/briefings-statements/statement-press-secretary-reduction-assistance-government-cambodia/).

3 7. The United States Congress Condemns political violence in Cambodia and urges the
4 cessation of human rights violations. Attached hereto as **Exhibit 6** is a true and correct copy of
5 Senate Resolution 279 – 115th Congress (2017-2018). The Resolution is available at
6 <https://www.congress.gov/bill/115th-congress/senate-resolution/279>.

7 8. The UN Human Rights office of the High Commissioner has voiced grave concerns
8 about the conduct of credible, free and fair elections in Cambodia next year. Attached hereto as
9 **Exhibit 7** is a true and correct copy of the United Nations Human Rights Office of the High
10 Commissioner November 17, 2017 news release. The news release is available at
11 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22406&LangID=E>.

12 9. The State Bar of California shows that 149 attorneys work for Facebook. Attached
13 hereto as **Exhibit 8** is a true and correct copy of The State Bar of California’s data on attorneys
14 working for Facebook. This information is available at
15 [http://members.calbar.ca.gov/fal/MemberSearch/AdvancedSearch?LastNameOption=b&LastName=](http://members.calbar.ca.gov/fal/MemberSearch/AdvancedSearch?LastNameOption=b&LastName=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b&FirmName=Facebook&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecialty=&LanguageSpoken)
16 [=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b](http://members.calbar.ca.gov/fal/MemberSearch/AdvancedSearch?LastNameOption=b&LastName=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b&FirmName=Facebook&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecialty=&LanguageSpoken)
17 [b&FirmName=Facebook&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecia](http://members.calbar.ca.gov/fal/MemberSearch/AdvancedSearch?LastNameOption=b&LastName=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b&FirmName=Facebook&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecialty=&LanguageSpoken)
18 [lty=&LanguageSpoken](http://members.calbar.ca.gov/fal/MemberSearch/AdvancedSearch?LastNameOption=b&LastName=&FirstNameOption=b&FirstName=&MiddleNameOption=b&MiddleName=&FirmNameOption=b&FirmName=Facebook&CityOption=b&City=&State=&Zip=&District=&County=&LegalSpecialty=&LanguageSpoken).

19 10. LinkedIn indicates that Facebook employees at least 9,814. Attached hereto as
20 **Exhibit 9** is a true and correct copy of the first page of a LinkedIn search for members reporting to
21 be an “engineer” for Facebook.

22 11. Attached hereto as **Exhibit 10** is a true and correct copy of an “SCA Comparison
23 Chart” of the requested information and explanation as to each topic’s allowance under the SCA.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3
4 Dated: March 7, 2018

By: 

J. Noah Hagey